

Message Text

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PAGE 01 MONTEV 00079 101143Z
ACTION ARA-14

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E.O. 11652: N/A
TAGS: SHUM, PINT, BR, UY
SUBJ: HUMAN RIGHTS: CASE OF FLAVIO TAVARES

REF: 77 MONTEVIDEO 5784

1. BEGIN UNCLASSIFIED. FALVIO TAVARES, EXILED BRAZILIAN JOURNALIST WHO HAS BEEN UNDER ARREST HERE SINCE LAST JULY ON ESPIONAGE CHARGES, HAS BEEN GRANTED "CONDITIONAL LIBERTY" BY A MILITARY COURT AND WAS RELEASED FROM PRISON ON JAN. 6. THE MOVE WAS MADE TECHNICALLY POSSIBLE BY THE FINDING OF A MILITARY PROSECUTOR THAT TAVARES' GUILT WAS LIMITED TO THAT OF ACCESSORY TO AN ATTEMPTED ESPIONAGE. THIS LESSER OFFENSE WHICH CARRIES A MAXIMUM 12-MONTH IMPRISONMENT AND EXPULSION FROM COUNTRY PENALTY PERMITS THE ACCUSED'S RELEASE FROM CUSTODY WHILE HIS CASE IS UNDER REVIEW BY THE TRIAL AND APPEALS COURTS. TERMS OF HIS RELEASE REQUIRE TAVARES TO REMAIN IN URUGUAY UNTIL THE CASE IS LITIGATED TO A CONCLUSION.

2. THE EVENT WAS GIVEN BRIEF BUT PROMINENT COVERAGE
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PAGE 02 MONTEV 00079 101143Z

BY ALL LOCAL PAPERS JAN. 6-7, WITH EMPHASIS ON THE HUMAN INTEREST SIDE OF THE STORY. IN RESPONSE TO INTERVIEWERS TAVARES STUCK TO HIS FAMILIAR LINE: THAT HE WAS THE INNOCENT AND UNWITTING VICTIM OF CIRCUMSTANCES; THAT HIS ACTIVITIES HAD BEEN LIMITED TO THE JOURNALISTIC SPHERE; THAT HE WAS CONFIDENT HE WOULD BE VINDICATED BY THE MILITARY TRIBUNALS; THAT ANY HEALTH PROBLEMS HE WAS HAVING ANTEDATED HIS ARREST;

AND THAT HE HAD RECEIVED COURTEOUS, CORRECT TREATMENT BY HIS CAPTORS. END UNCLASSIFIED.

3. BEGIN LIMITED OFFICIAL USE. THE PRESENT STEP REPRESENTS A VINDICATION OF THE PATIENT, NON-POLEMIC, BEHIND-THE SCENES APPROACH ADOPTED BY TAVARES AND HIS URUGUAYAN AND BRAZILIAN DEFENDERS. SIGNIFICANTLY, IT COMES ONLY SOME TWO WEEKS BEFORE THE SCHEDULED VISIT HERE OF PRESIDENT GEISEL. IN VIEW OF THE GOB'S EXPRESSED INTEREST IN A RESOLUTION OF THE CASE, THIS MAY HAVE BEEN A SPECIFIC QUID PRO QUO. THE COURSE OF JUSTICE, EXPECIALLY MILITARY JUSTICE, IN URUGUAY IS GENERALLY SLOW AND TEDIOUS. HOWEVER, OFFICIAL BRAZILIAN INTEREST IN THE FATE OF TAVARES HAS APPARENTLY ALREADY WORKED TO ACCELERATE HIS CASE. IF IT CONTINUES TO BE EVINCED, HE MAY WELL SOON FIND HIMSELF CONVICTED OF THE LESSER CHARGE, SENTENCED TO A PERIOD WHICH WOULD REQUIRE NO FURTHER DETENTION, AND THEN FORMALLY EXPELLED FROM URUGUAY -- WITH FACES SAVED ALL AROUND. END LIMITED OFFICIAL USE.

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